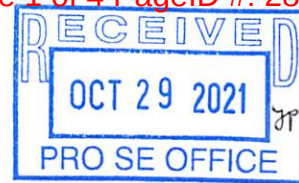


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★ OCT 29 2021 ★

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October 25, 2021

The Hon. Margo K. Brodie
Chief U.S. District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

19-cr-108

(MKB)-1

Dear Chief Judge Brodie:

The defendant, Andre Wilburn, respectfully writes this court to clarify former counsel Carlos Santiago's letter dated October 05, 2021 requesting relief from case no. 19-CR-108 before Your Honor, as there was no "irreparable breakdown of communication."

During a September 30, 2021 status Hearing regarding my Pro Se motion to withdraw my guilty plea in case no. 19-CR-139, Judge Dearie did in fact terminate Mr. Santiago sua sponte citing "discussion with Mr. Wilburn... broken down" in the Minute Entry from the proceeding.

There is no evidence of a "breakdown in communication" in either of my two pending cases. In fact, I mentioned to former counsel, on several occasions, that there was a conflict of interest, in that former counsel Carlos Santiago preferred to quickly dispose of the case before Judge Dearie, without assisting in my bail, guilty plea withdrawal, or correcting the lack of mitigation and investigation in that case (19-CR-139) by former counsel James Darrow, in order to focus on case no. 19-CR-108 before Your Honor. These cases are closely tied together, so disposing of Judge Dearie's case without all material discovery severely prejudices the case before Your Honor.

In May of 2021, when I terminated former counsel James Darrow, I optimistically believed that my newly appointed attorney would assist me in my defense objectives and strategy. I was wrong. Former counsel Carlos

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RD 11/3/21
J. Bee



Santiago outright refused to assist me in achieving my goal of allowing me to be the ultimate decision-maker in my cases, hence the Pro Se motions. see *McCoy v. Louisiana*, 138 S. Ct. 1500, 200 L.Ed 2d 821 (2018) (The Sixth Amendment confers upon a competent defendant the right to determine and choose the objective of the defense...)

Without going into detail, I was aware of former counsel's intention to ask for relief of his duty for months. I even specifically addressed this prior to our status hearing before Judge Dearie on September 30, 2021, letting Mr. Santiago know that if he asks the Court to terminate his services due to a total breakdown of communication, I will clarify that this situation is a conflict of interest. This is not a bald claim and is based on "a situation in which regard for one duty," the case before Your Honor has led "to disregard of another," the case before Judge Dearie and former counsel's refusal to allow me to be the ultimate decision-maker in my case. see "conflict of interest," Black's Law Dictionary, 6th Edition (1991)

As always, I genuinely appreciate the opportunity to be heard by the Court after being silenced for so long.

Respectfully submitted,

Andre Wilburn # 73608-298

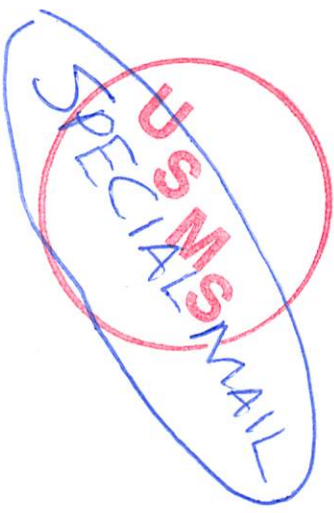
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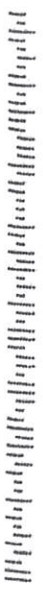
Brooklyn, NY 11232

Andre Wilburn #73608-298
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The Honorable Margo K. Brodie
Chief United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201



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